

State of South Dakota

NINETY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2016

219X0464

SENATE BILL NO. 116

Introduced by: Senators Rusch, Hunhoff (Bernie), Novstrup (David), Omdahl, Peterson (Jim), Rampelberg, Tidemann, and Vehle and Representatives Ring, Bartling, Duvall, Hawley, Jensen (Alex), Kirschman, Rasmussen, Schoenbeck, Solum, and Wiik

1 FOR AN ACT ENTITLED, An Act to remove any reference to land ownership being a
2 requirement for participation in any actions pertaining to the creation of or withdrawal from
3 a water development district.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That § 46A-3A-8 be amended to read:

6 46A-3A-8. Fifteen percent of the ~~owners of real property~~ residents and voters in a
7 geographical area, ~~as shown by the records in the offices of the register of deeds of the county~~
8 ~~wherein the real property is situated~~, may petition the Board of Water and Natural Resources
9 to submit to an election the question of whether the geographical area shall become a water
10 development district. ~~If land is sold under a contract for deed, which is of record in the office~~
11 ~~of the register of deeds in the county wherein the land is situated, both the landowner and the~~
12 ~~landowner's individual purchaser of the land, as named in the contract for deed, shall be treated~~
13 ~~as owners of real property.~~

14 Section 2. That § 46A-3A-14 be amended to read:



1 46A-3A-14. If in some, but not all of the election districts within a proposed water
2 development district, sixty percent or more of the votes cast are in favor of the formation of the
3 water development district, the Board of Water and Natural Resources shall by resolution
4 establish a water development district consisting of only those election districts wherein the
5 requisite vote approving the formation of a water development district was cast. In the event of
6 the creation of ~~such~~ a water development district, any of the election districts may withdraw
7 from the water development district by filing with the board within sixty days thereafter, a
8 petition requesting ~~such~~ withdrawal, signed by fifteen percent of the ~~owners of land~~ residents
9 and voters in ~~such the~~ election district. The petition shall contain the same information with
10 respect to the signers and be verified in the same manner as in the case of a petition to establish
11 a water development district. The question of whether an election district shall withdraw shall
12 be referred to the voters of ~~such the~~ election district at the next general election, the procedure
13 ~~to be~~ is the same as required to establish a water development district.

14 Section 3. That § 46A-3B-9 be amended to read:

15 46A-3B-9. Directors shall take office on the first day of January of the year following their
16 election, or not later than sixty days after election in the case of a special election. Vacancies
17 that may occur on the water development district board of directors by reason of death,
18 disability, failure to be a resident and ~~property owner~~ voter, resignation, or other cause pursuant
19 to § 3-4-1, or upon expiration of term of office if no qualifying petitions have been filed or if
20 no successor has qualified for the office, unless otherwise provided in chapters 46A-3A to 46A-
21 3E, inclusive, shall be declared to exist and shall be filled by elective action of the remaining
22 directors from candidates proposed by nominating petitions signed by at least twenty-five
23 eligible voters in the director area for which a vacancy exists.